

Appendix A

Agency and Public Scoping

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Reclamation encouraged public involvement in scoping issues and alternatives by several means. Reclamation published a news release on its website (www.usbr.gov/lc/yuma) announcing the two public open houses held to solicit input on the environmental documentation for the LCR Drop 2 Storage Reservoir Project. This news release provided information on the Project, its location, and how to provide input with and without attendance at one of the two public open houses. In addition to the news release, letters announcing the public open houses were mailed to 38 interested parties, including property owners and resource agencies.

The first open house was held Tuesday, July 12, 2005 at Imperial Irrigation District, 1284 Main Street, El Centro, California, from 5:00 p.m. to 7:00 p.m. with a presentation about the Project from 6:00 p.m. to 6:30 p.m. The second open house was held Wednesday, July 13, 2005 at Yuma Crossing State Historic Park, 201 North Forth Avenue, Yuma, Arizona, from 5:00 p.m. to 7:00 p.m., again with a presentation about the Project from 6:00 p.m. to 6:30 p.m. During these open houses, Reclamation representatives were available to provide information and respond to questions about the LCR Drop 2 Storage Reservoir Project and proposed alternatives. Posters and handouts were made available to attendees detailing the proposed reservoir, its interconnection to the existing AAC and Coachella canal systems, and the existing site conditions in the area that would be affected by the proposed Project (e.g., land uses, habitats).

A total of 11 comment letters/emails were received in response to the public notices of the scoping period for the Draft EA. These comments are in addition to verbal comments received during the open houses. Comments addressed a number of issues, including:

- Potential impacts to the flat-tailed horned lizard, from direct loss during construction in the Flat-Tailed Horned Lizard Management Area (FTHL MA), from entrapment hazards posed by the canal, and from the canal acting to isolate a portion of FTHL habitat.
- Potential changes in flows and water quality (salinity) and resulting impacts on riparian habitat, wetlands, and associated habitat values within the Limitrophe Division (that portion of the Colorado River from the Northerly International Boundary [NIB] to the SIB).
- Concern that the Project could limit safe access to and from the nearby Imperial Sand Dunes Recreation Area by off-highway vehicles (OHVs) or otherwise disrupt recreational uses.
- Potential for air quality impacts during construction.
- Potential effects on private lands and landowner businesses.

In addition to the public open houses, Reclamation has provided briefings and has encouraged input on the LCR Drop 2 Storage Reservoir Project from various resource agencies. On April 21, 2005, Reclamation presented an overview of the Project, including the various inlet canal alternatives to the Flat-Tailed Horned Lizard Management Oversight Group and Interagency Cooperating Committee. The Flat-Tailed Horned Lizard Management Oversight Group and Interagency Cooperating Committee meeting on April 21, 2005 was attended by members from Arizona Game and Fish, Naval Air Facility El Centro, California State Parks, the Bureau of Land Management (BLM) Palm Springs and El Centro, the U.S. Fish and Wildlife Service Carlsbad and Phoenix, the California Department of Fish and Game, and Marine Corps Air Station Yuma.

Reclamation presented an update on the proposed LCR Drop 2 Storage Reservoir Project alternatives to the Interagency Cooperating Committee on August 16, 2005 and September 21, 2005.

In June 2005, Reclamation staff met with Bureau of Land Management staff and U.S. Fish and Wildlife staff to discuss the LCR Drop 2 Storage Reservoir Project. The particular topics of concern were the potential for the Proposed Action to impact the FTHL MA and open vehicle trails. In May 2006 Reclamation again met with Bureau of Land Management staff to discuss the Project.

In August 2005 Reclamation met with the California Department of Transportation to discuss the potential to construct Project facilities underneath I-8. Following this meeting, Reclamation staff met with the Imperial County Department of Public Works to discuss potential encroachment into Evan Hewes Highway by the Project Inlet Canal.

In June 2006 Reclamation initiated formal consultation with the Cocopah and Fort Yuma Quechan Indian Tribes (see section 3.9 for more details). Reclamation also worked with the California State Historic Preservation Office to identify historic and prehistoric properties and determine eligibility for listing on the National Register of Historic Places.

Draft EA Comment Summary with Responses		
Number	Comment	Response
1	The groundwater model developed by the Arizona Department of Water Resources (ADWR) is inadequate to address potentially serious effects on the groundwater in the Limitrophe. The assumptions of the ADWR model (i.e. continued groundwater recharge from seepage from the AAC) are no longer valid. Using data given in the draft EA, the Department of Hydrology and Water Resources at the University of Arizona estimated that there will be a drop in groundwater levels of approx 9-10 feet within the Limitrophe once seepage is reduced/eliminated. A new model should be developed that includes information on projected regional pumping levels and on the projected reduction in regional agricultural and canal recharge as the AAC and other canals are lined.	The ADWR groundwater model is the best tool available to Reclamation for the analysis of effects of the proposed project on groundwater in the Limitrophe. The model was used in an appropriate way to assess the impacts of the proposed project. The All American Canal (AAC) is not a part of the project and will not affect the outcome of the groundwater analysis.
2	Salinity upstream of Morelos Dam will be affected. The effects should be analyzed and addressed in the EA.	Salinity requirements for deliveries of water to Mexico are provided in Minute 242 to the Mexican Water Treaty of 1944. Reclamation will continue to comply with Minute 242.
3	Quantity of non-storable flows (NSFs) is not taken into consideration for the computing of salinity. If Mexico has diverted water deliveries plus NSF's, what will water quality (salinity levels) be once the NSFs are reduced at the Northerly International Boundary (NIB), especially during non-flood periods? More information on salinity control measures should be provided to explain what actions would be taken.	Salinity requirements for deliveries of water to Mexico are provided in Minute 242 to the Mexican Water Treaty of 1944. Reclamation will continue to comply with Minute 242.
4	Explain the relationship between Drop 2, Minute 242 compliance and the permit application for Yuma area groundwater pumping.	The relationship between the Drop 2 project and the Yuma area groundwater pumping is explained in the "Cumulative Effects" section of the EA. The United States is under no obligation to deliver water to Mexico in excess of its Treaty obligations. Reclamation will continue to ensure that the salinity requirements of Minute 242 will be met.

Draft EA Comment Summary with Responses		
Number	Comment	Response
5	Minute 306 environmental concerns are raised by the statement that increased groundwater pumping would decrease groundwater levels 0.3 ft from Morelos to the Southerly International Boundary (SIB).	The cumulative impacts analysis states that "Increased pumping in the Yuma area <i>could</i> cause drawdown..." of groundwater (emphasis added). This is an expression of what could result from the Yuma pumping project, and not a reflection of the direct effect from the Drop 2 project. Reclamation has and will continue to consult openly with the IBWC to develop procedures to meet the goals of Minute 306.
6	Line 5, delete "is proposed" and replace with "was proposed"	The change was made as requested.
7	Line 14, delete "which is not being developed"	The change was made as requested.
8	Line 14, delete "Since the project would include" and replace with "Since the project could include"	The change was made as requested.
9	Line 16, after "occur." insert "The USIBWC has currently suspended work on the Lower Colorado River Boundary and Capacity Preservation Project. Should the USIBWC resume work on the project, they would need to quantify future impacts that may occur."	The change was made as requested.
10	Line 16-17, delete the last sentence of this section "However, at this time...may occur."	The change was made as requested.
11	The draft EA is not clear as to what salinity control measures would be considered and/or implemented nor does it indicate how the schedule might be impacted.	Reclamation will continue to comply with Minute 242. This may require less Yuma area water pumped drainage water going to the Colorado River to meet a portion of the water delivery schedule. Mexico's water schedule will continue to be met.
12	In Point 4 of the Brown and Caldwell Technical Memorandum (pp.19), additional analysis of the percent reduction of average NSF's passing below Morelos Dam should be described.	Reduction in NSF's have been extensively modeled and explained in the EA and its attachments. The Technical Memorandum is being revised as a result of additional analysis which should cover this concern.
13	The draft EA appropriately uses a "worst-case" approach to estimate environmental impacts, so quantification of annual reservoir storage should be used only for compliance purposes.	Comment noted.
14	The draft EA is incomplete in that it does not consider effects to all state trust wildlife resources and uses narrowly defined thresholds of significance.	Reclamation has used the best available resources to assess environmental impacts and is supportive of the conclusions drawn.

Draft EA Comment Summary with Responses		
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15	There is no discussion of required consultation pursuant to the Fish and Wildlife Coordination Act. This omission should be addressed in Section 3.2.2.	Formal FWCA and ESA consultations are not required because the Project is directed by legislation. Reclamation continues to informally consult with all State and Federal agencies and to take appropriate measures to minimize environmental impacts.
16	Biological impacts were not assessed in this draft EA due to the incorrect assumption that the LCR MSCP analyzes and provides coverage for them. The LCR MSCP EIS analyzed the resource affects in the Limitrophe that could occur from potential changes in flood flow releases reaching Morelos Dam as a result of extending the Interim Surplus Guidelines through 2051.	Reclamation has clarified the text to reflect that the area of impact under discussion in this section refers to the lower Colorado River between Hoover and Imperial Dams. Impacts of flow reduction resulting from the Drop 2 Reservoir are covered by the LCR MSCP. The 1.574maf reduction includes water transfers and water conservation efforts such as the proposed project. Discussion of impacts to the Limitrophe Division is included in the sections following Section 3.1.2.3.2. Reclamation does not imply that any possible impacts to the Limitrophe Division are covered by the LCR MSCP.
17	The draft EA overstates estimated capture of NSF's by the proposed project. It is unlikely that water would be routed through the Drop 2 reservoir that would otherwise be used to generate power at Drops 1 and 2. Based on 1974-2004 NSF data, ADWR calculates average annual yield at 37500af.	The Drop 2 Reservoir analysis correctly depicts the process that would be employed to conserve NSF's. The conservation of NSF's occurs by reducing the volume of NSF's that are inadvertently delivered to the NIB. Therefore, regardless if whether they are temporarily stored in the proposed project or routed through the AAC in order to generate power, they are still considered conserved NSF's if they would otherwise have been part of the over-delivery at the NIB. The model is only set up to track what portion of the NSF's can be conserved with the Drop 2 Reservoir.

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18	The Drop 2 Reservoir can only capture NSF's below Imperial Dam. Inflow from the Gila River or other local sources below Imperial Dam would continue to be non-storable.	NSF's from the Gila River (under non-flood flow conditions) may be conserved in the Drop 2 Reservoir through an exchange process. For example, if the NSF's from the Gila River plus the water scheduled to be released from Imperial Dam to meet the treaty delivery is expected to result in an over-delivery to Mexico, the operators may instead deliver a portion of the water that was scheduled to be released from Imperial Dam to meet the treaty delivery to the proposed project. Under this condition, Mexico's scheduled delivery is not exceeded and all or a portion of the NSF's from the Gila River are conserved in the proposed project through this exchange process.
19	The draft EA does not indicate how the proposed project would provide flexibility to IID, CVWD and other Colorado River system users. Discussion of "Operation and Maintenance Activities" in Section 2.1.2 and the discussion of "Water Management" under Section 3.1.2.3.1 is limited to the capture of NSF's. There is no discussion, modeling or other analyses that describe how the proposed project would provide additional flexibility for system users.	In the value engineering study, it was originally anticipated that a portion of the proposed project would be dedicated to handling normal variances of flows during the day to improve the operation of the AAC. However, with the lining of the AAC, it was decided that IID could use one of the old reaches of the AAC to provide this operational flexibility.
20	Reclamation should consider whether environmental consequences have been overstated in these sections due to MWD's analysis that the proposed project would only provide a savings of 41000afy.	The modeling used to figure and analyze the estimated capture of NSF's was constructed using the best available data. The surface water model keeps track of non-storable flows that can be conserved by the addition of the Drop 2 reservoir. Using this best available information, Reclamation believes that the environmental consequences are reported accurately.
21	Releases are modeled as being made from the proposed project while NSF's were being delivered to the proposed project. This effectively routes Colorado River water delivery to IID's customers through the proposed project rather than through the AAC. IID would more likely hold the reservoir steady and route its diverted water through the AAC to maximize energy generation. Therefore the 72000afy savings is overestimated.	The surface water model keeps track of non-storable flows that can be conserved by the addition of the Drop 2 reservoir. The actual operation plan will address specific scenarios of how the various components will operate together.

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22	Surface water modeling did not adequately take into account the varying operating conditions of Senator Wash Reservoir. This results in an overestimation of the amount of flow available to be captured.	The 31-year historical record was used to evaluate the Drop 2 Reservoir operations under a wide range of operational conditions, including the different historical operational conditions of Senator Wash Reservoir. Similar to historical conditions, future non-storable flows are expected to vary from year to year. The Drop 2 Reservoir will provide the river operators the river regulation capacity in the lower part of the Colorado River to manage these non-storable flows, however variable they might be. The NSF's conserved by the Drop 2 Reservoir are over and above the NSF's conserved by the Senator Wash Reservoir during the same period. Also, similar to historical conditions, there may be periods in future years when Senator Wash Reservoir may be operated below elevation 240 feet. Lastly, it is possible that some of the differences noted in your letter could be offset by additional operations efficiencies that may be realized through the combined operations of the Senator Wash and Drop 2 reservoirs.
23	The draft EA did not address evaporation of water from the reservoir, inlet canal and outlet canal. MWD estimates this loss at roughly 3000afy with annual seepage losses of approximately 10-20 afy. These losses should be deducted from the annual volume of reduced NSF's.	Evaporation will occur in quantities that have been identified. However, it will not have a significant negative effect on the overall effectiveness of the proposed action in assisting with providing additional system regulating capacity. Evaporation has been considered as a part of the equation for NSF savings.
24	Discussion in this section failed to state that under normal operations, a portion of Mexico's scheduled delivery is met by Colorado River water that is passed through Imperial Dam and passed through Laguna Dam.	Comment noted.
25	MWD believes that water conserved in Lake Mead through improved management of the Colorado River (such as would occur with the operation of the proposed project) is not available to replace bypass flows discussed in Minute 242.	Comment noted.
26	HAZ-1, HAZ-2 and HAZ-3 mitigation measures should be continued after construction to minimize or avoid the longer-term potential hazards.	As noted in the HAZ mitigation measures, any time the possibility exists of a release of hazardous wastes, the measures listed will be in effect.

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27	Any additional feasible mitigation measures should be implemented to ensure roadway safety and minimize public inconvenience during construction.	The mitigation measures listed in TRAN-2 adequately address these concerns.
28	Downstream flows should be monitored for potential increases in sedimentation with corrective measures planned and implemented as needed.	Comment noted. This issue will be addressed as part of the Operations Plan of the proposed project.
29	Biological mitigation measures should include revegetation or other means of erosion control implemented after construction, tree removal only during non-breeding periods for raptors and songbirds and compliance with all relevant endangered species laws.	The mitigation measures listed in BIO-12, BIO-15 and BIO-16 adequately address these concerns.
30	Contracts between Reclamation and its contractors should include language that holds Reclamation and IID harmless from liability for this project. Copies of these contracts should be provided to IID.	Comment noted. This is an Operations & Maintenance issue, and as such will be addressed in the later stages of the project.
31	The draft EA sufficiently demonstrates that the proposed project will not have a significant impact on the environment and as such it is not necessary to prepare a full EIS.	Comment noted.
32	This explanation of the scope of the problem in the lower river area is too narrow and incomplete. The actual situation is better described on page 3.1-2 (line 23-34) and page 1-5 (line 17-18). Please explain that <i>all users on the river</i> (emphasis IID's) will benefit from this project because it will result in the retention of water that is now lost as a windfall to Mexico.	Comment noted.
33	IID urges Reclamation to provide the maximum air quality mitigation procedures possible during this project.	These concerns are addressed in Section 3.5.2.2.3.
34	The draft EA should provide the reader with a thorough explanation of IID's role in the operation of the reservoir, as well as how IID will be required to use the reservoir water in lieu of requesting water from storage and diverting that water from the river. The reader should be left with an understanding that the water conserved by use of the proposed project will thus be retained in Lake Mead.	This is an Operations & Maintenance issue, and as such will be addressed in separate O&M documents.
35	The draft EA should note that surface flow hydrology is explained in more detail in Appendix C and that groundwater hydrology is explained in more detail in Appendix D.	The Appendices listed identify where these items are discussed.
36	As IID goes to great expense and labor to remove silt from Colorado River water at Imperial Dam, it is important to IID to maintain water quality in the AAC.	Comment noted.

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37	This section does not clearly state if there is a meaningful cumulative impact. The consequences of this potential action should be stated in the context of potential cumulative impacts.	Cumulative impacts are adequately addressed.
38	It should be stated that action to replace the bypass flow does not amount to a meaningful cumulative impact in relation to the proposed project.	This issue is addressed in Section 4.2.1.2.
39	This section is incomplete because it makes no statement as to the consequences in relation to cumulative impacts. This same comment applies to sections 4.2.2.1 and 4.2.2.2.	This issue is addressed in Section 4.3.2.
40	One of the sources listed as an inflow below Morelos Dam is "discharges from the Mode No. 3." Later in the section, Mode No 3 Wasteway is reported to have operated only through 1979. Since 1979 is almost 30 years ago, why is this potential inflow mentioned several times in the analysis? The inclusion of this information should be reconsidered.	The Mode 3 Wasteway was a part of delivery to Mexico for a portion of the period analyzed as is explained in Appendix C.
41	The potential inflow from the Welton-Mohawk Bypass Drain is not thoroughly explained in the draft EA or in the appendices. The reader doesn't have an understanding of the possible meaningful impact.	The Welton-Mowhawk Bypass Drain would enter at Mode 3, which is explained in Appendix C.
42	It is important to state that Congress passed legislation at the end of 2006 which directed the Secretary of the Interior to proceed with construction of the Drop 2 Reservoir "without delay" and "notwithstanding any other provision of law."	This is stated in Section 1.1.
43	Due to a failure to address uncertainties and data gaps in its analysis, Reclamation has prepared an analysis of environmental consequences that is full of conclusory remarks and statements which do not equip a decision maker to make an informed decision. Reclamation must prepare a full EIS to disclose and analyze the costs of uncertainty and the costs of proceeding without more and better information.	Reclamation has used the best possible data, modeling and analysis available. All conclusions drawn are readily supported by this technologically sound data.
44	That Reclamation failed to consider a full range of alternatives is evidenced by the fact that the "Old River Channel Backwater Project above Laguna Dam" is absent from the list of Alternatives Considered but Eliminated. This is remarkable given repeated expressions of interest by Reclamation staff for a modified version of this alternative and its clear benefits for water conservation. Reclamation is using NEPA to rubber-stamp the agency's predetermined course of action.	The possible construction of a storage reservoir in the Laguna Dam area was examined in previous research and the location mentioned was not a feasible alternative.

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45	Reclamation frequently alludes to potential mitigation measures but rarely makes specific commitments. Reclamation must indicate what exact steps will be taken to mitigate any adverse environmental impacts.	Reclamation will provide for potential losses of FTHL and Southwestern Willow Flycatcher habitat as described in Sections 3.2.2.2.1 and 4.3.2.
46	The modeling for surface water hydrology inappropriately relies on past systems operations. Reclamation cannot look to the past to project future water use because system management and water use have changed substantially over the course of this period. Reclamation should use a more robust model, such as the model it uses in analyzing the various proposed shortage criteria, to project future flow use. Failure to do so will result in an underestimation of the impacts to the Limitrophe.	The past is a reasonable representation of probable future actions. When historic data is considered, the resulting analysis at minimum mimics what has already occurred. Making assumptions about future flow data is difficult to accomplish. Reclamation has utilized the best available tools to analyze the Project's impacts.
47	Analysis of the proposed project impacts on surface water hydrology inappropriately relies on a short 30-year window of climate history.	The modern water delivery system of dams, canals and wasteways was fully functional from approximately 1974. Using data collected prior to that date does not accurately reflect current system operations.
48	The draft EA makes no attempt to incorporate climate change impacts into the analysis of surface water hydrology.	Although significant research is underway to predict climatological effects on the LCR system, it is extremely difficult to analyze near-term climatological effects on a river system. Reclamation has utilized the best available science to model effects of the Project on the LCR system.
49	The draft EA incorrectly discounts the significance of flows passing Morelos Dam as minimal. This leads to flawed conclusions regarding the significance of potential environmental impacts.	Comment noted. The language in Section 3.1.1.4 has been updated to emphasize quantity and to remove any allusion to the significance of flows passing Morelos Dam. This section is not intended to make determinations of the environmental significance of NSFs passing Morelos.
50	The draft EA fails to address increased days of zero flow past Morelos Dam. These would clearly reduce available moisture in the Limitrophe and have significant adverse effects on the Limitrophe riparian habitat.	As dictated by the Water Treaty of 1944, Reclamation has no control of Colorado River water once it reaches Morelos Dam. The Limitrophe is fed by waters passing through and over Morelos Dam and by groundwater. Reclamation cannot control these variables and has no requirement to ensure delivery of waters past Morelos Dam.

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51	The groundwater model does not accurately predict changes in Limitrophe ground water levels. The ADWR model used has documented errors which are an order of magnitude greater than the changes it predicts. As such, Reclamation cannot reasonably project hydrologic or biological impacts in the Limitrophe to the level of precision claimed in the EA. Reclamation previously acknowledged uncertainty in the results produced by the same ADWR model in a Supplemental Analysis to Categorical Exclusion no. YAO-CE-2001-02. The absence of any such cautions incorrectly ascribes a degree of certainty to the modeling results that clearly does not exist.	There is very limited data about groundwater in the Limitrophe. Reclamation has used the best available data in its modeling and analysis.
52	Inaccuracy in the groundwater model leads to incorrect findings of 'insignificant' environmental impacts. Corrected models would lead to the conclusion that the proposed projects would have significant environmental impacts on cottonwood willow habitat, wetlands and the moist soils component of habitat for the Southwestern willow flycatcher.	Reclamation has used the best available data in its modeling and analysis. Impacts to the Limitrophe from the proposed project have been extensively addressed in the EA.
53	The draft EA does not quantify the gain and loss of the Limitrophe reach. Without quantification of gain and loss in the Limitrophe reach, it is not possible to quantify the impact of the proposed project on Limitrophe flows. The analysis in the EA is scientifically insufficient to conclude that the proposed project does not pose a significant adverse affect on the environment.	As long as the model accurately reflects the ground water/surface water interaction, there is no need to quantify the gain and loss in these reaches to prepare the type of analysis that was done.
54	The EA states that water will be held only in one cell when storage volume is 4000af or less (page 2-1). This is inconsistent with the dust control measures noted on page 2-5 which state that a limited amount of water will be held in both cells at all times for dust control.	A limited amount of water sufficient to control dust does not necessarily transfer to a significant amount stored. For all practical purposes, the cell will be "empty."
55	Reclamation does not account for evaporative loss which the commentor calculates to greater than 3100afy. This represents a significant decrease in the water conservation efficiency of the project as a whole.	Evaporation may occur in small quantities which will be accurately captured once operating constraints have been codified. However, any loss due to evaporation will not have a significant negative effect on the overall effectiveness of the proposed action.

Draft EA Comment Summary with Responses		
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56	The EA does not analyze the potential impacts of the proposed project on the volume of water discharged by Mexican Wasteways. Since these volumes can be expected to decrease, further habitat would be degraded in the remnant delta, a significant environmental impact.	As dictated by the Water Treaty of 1944, Reclamation has no control of Colorado River Water once it reaches Morelos Dam. The Limitrophe is fed by waters passing through and over Morelos Dam and by groundwater. Reclamation cannot control these variables and has no requirement to ensure delivery of waters past Morelos Dam.
57	The EA fails to address the effect of the proposed project on the salinity of flows in the Limitrophe.	Salinity requirements for deliveries of water to Mexico are provided in Minute 242 to the Mexican Water Treaty of 1944. Reclamation will continue to ensure that the salinity differential will remain within the requirements described in Minute 242. Salinity changes caused by the proposed project will not be significant enough to affect compliance with Minute 242.
58	The EA fails to adequately address biological impacts by failing to identify open water as critical habitat for sensitive species, failing to quantify total reduction in open water area and failing to assess the impact that a decrease in surface or groundwater flows would have on maintaining open water habitat.	The concerns are addressed in Section 3.2.3.2.3. Current open water areas in reaches 2 and 3 are being fed by the 11-Mile Wasteway and the 21-Mile Wasteway Drains. These water sources will not be affected by the proposed project.
59	The EA should include a review of potential impacts to aesthetic resources in the Limitrophe, as the elimination of flowing water in the Colorado River as it crosses one of the most xeric reaches of its 1400 mile course would seem to constitute a significant impact per se.	Flowing water in the lower Colorado River will not be eliminated. Non-storable flows will still pass Morelos Dam and the site will continue to be fed by the 11- and 21- Mile Wasteway Drains.
60	The EA does not assess impacts of the proposed project to recreation in the Limitrophe.	Currently, recreational use in the Limitrophe area has been minimal due to factors outside of Reclamation's control. These factors include high rates of illegal activity. This has made the area very dangerous and as such, it is neither used nor recommended for recreation.
61	The EA does not assess impacts of the proposed project to cultural resources in the Limitrophe.	Reclamation has conducted consultations with affected Tribes. Qualified archaeologists, with concurrence from Tribal members, have notified the SHPO of all cultural impacts. No significant impacts were noted in the Limitrophe.

Draft EA Comment Summary with Responses		
Number	Comment	Response
62	Consultation with the Native American Tribes has been insufficient. Reclamation has failed to assess environmental justice impacts, the impact the proposed project may have with Tribal land use plans and policies and the totality of impacts on Indian Trust Assets, particularly with respect to the Cocopah Indian Tribe. Reclamation must fully consult with the Cocopah Indian Tribe on a government-to-government basis.	Reclamation has met all requirements for correspondence with affected Native American Tribes.
63	Disputes over the effects, the effectiveness and the international implications of the proposed project demonstrate controversy in this action. This is one factor in determining whether the impact is 'significant.' Due to the controversial nature of this project, a full EIS is indicated.	Reclamation has utilized the best available technology and resources to research this project and reach conclusions in full compliance with applicable law.
64	The EA does not adequately address the cumulative impacts to air quality as it does not consider various projects, proposed and on-going, in this area. The section as written is inadequate and must be redone.	Cumulative air quality impacts are discussed in Section 4.3.5.
65	This draft EA makes no mention of compliance with, or an effort to comply with, the FWCA. Without this framework, any determination of significance is flawed.	Formal FWCA and ESA consultations are not required because the Project is directed by legislation. Reclamation continues to informally consult with all State and Federal agencies and to take appropriate measures to minimize environmental impacts.
66	This draft EA does not address the impact of this project with reference to the BLM DEIS, or assess any possible conflicts.	Reclamation envisions no conflict with the proposed BLM project as referenced in their Draft EIS.
67	The EA identifies the loss of 11 acres of wetland habitat on the US side of the Limitrophe but does not specify any mitigation measures in any detail except to acknowledge that mitigation may occur on- or off-site.	Reclamation will provide for possible impacts to Southwestern Willow Flycatcher habitat as described in Section 4.3.2.
68	Mexico believes there will be a reduced probability that they will receive surplus water in accordance with the 1944 Mexican Water Treaty as provided in Article 10--Water.	Reclamation will ensure compliance with the 1944 treaty. By conserving Colorado River water, the probability that surplus water will be available for Mexico's use in accordance with the 1944 Treaty actually increases. If Colorado River water is not conserved, the potential for a system-wide shortage increases.

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69	A joint, comprehensive analysis identifying the impacts of the quantity and quality of the Colorado River surface flows downstream of the NIB on groundwater and the environment should be conducted, with attention paid to the cumulative impacts of various projects the US is implementing.	This issue is addressed in the Executive Summary, page ES-1, paragraph 3.
70	The draft EA does not analyze the impacts of the proposed project and subsequent mitigation measures in Mexican territory.	This issue is addressed in the Executive Summary, page ES-1, paragraph 3.
71	The proposed project would result in loss of water to the Limitrophe area. This could have substantial adverse impacts on existing habitats and could adversely impact local, state, federal, tribal and Mexican efforts to restore the Limitrophe wetland and riparian habitats. Successful restoration would significantly benefit many wildlife species. Reclamation should commit to maintaining necessary water for this stretch of the river.	Impacts to habitat in the Limitrophe and Reclamations commitment for minimizing these impacts are described in Section 4.3.2.
72	Recommend Drop 2 Reservoir Outlet have an accurate flow meter to measure the amount of water delivered to the AAC.	Comment noted. This is an Operations & Maintenance issue, and as such will be addressed in the later stages of the project.
73	Recommend modifications to the Coachella Turnout to provision for stop logs to be used to allow the centerline gate to be bi-directional (i.e., discharge towards either the Coachella Canal or Drop 2 Reservoir).	Comment noted. Reclamation will consider this in the design phase of the project.
74	The Drop 2 Reservoir contract shall contain provisions that indemnify CVWD for any and all third party injury and damages, direct and indirect, to include court costs, arising from the construction and operation of the proposed project, including any interruption or restriction of water supply to CVWD.	This is an accounting issue that will be examined and resolved in later contractual phases of the project.
75	Insert the following into Section 2.1.2 at an appropriate location: "In the event of failure of the facilities, including but not limited to vandalism, burrowing animals and liner failure, the Project intent is that neither IID nor CVWD nor California will be charged for seepage losses, unaccounted losses, system losses or spills arising from the operation of the Drop No. 2 Reservoir. For example, during periods when supply exceeds demand, neither IID nor CVWD nor California will be charged for water scheduled, but not delivered, to the Drop No. 2 Reservoir."	This is an accounting issue that will be examined and resolved in later contractual phases of the project.

Draft EA Comment Summary with Responses		
Number	Comment	Response
76	Insert the following into Section 3.1.1.2.2 at an appropriate location: "The Project will be designed and constructed to permit the existing Coachella Canal to remain in service and provide normal water deliveries during Project construction, reconstruction, testing and operation."	This issue is addressed in Section 3.1.1.2.1.
77	Rewrite the last sentence of Section 3.1.2.3.1, striking: "Therefore it is anticipated that no delivery restrictions would occur that would impact CVWD's and IID's operations." Substitute "The intent under the Proposed Action is to ensure an uninterrupted water supply to CVWD and IID during construction. The Project will be designed, constructed, reconstructed and operated in a manner that will not restrict water orders or operations by CVWD or IID."	The change was made as requested.
78	Rewrite the last sentence of Section 3.1.2.3.6, striking: "Because the Proposed Action would result in no significant hydrology-related impacts, no mitigation measures are required -" and substitute "Reclamation is committed under the Proposed Action to ensure an uninterrupted water supply to CVWD and IID during construction. Reclamation will design, construct and operate in a manner that will not restrict water orders or operations by CVWD or IID. Prior to Project Contract Award, an individual shall be designated by the Contractor as the Hydraulic Coordinator (HC). During construction, the HC shall have the responsibility to ensure uninterrupted water supply to CVWD and IID."	Reclamation is committed under the Proposed Action to ensure an uninterrupted water supply to CVWD and IID during construction. Reclamation will design and construct the Project operate in a manner that will not restrict water orders or operations by CVWD or IID.
79	Insert the following into Section 4.3.1 at an appropriate location: "The Project will be designed, constructed and operated in a manner that will permit the existing Coachella Canal and AAC to remain in service and provide normal water deliveries during Project construction, reconstruction, testing and operation."	The change was made as requested.
80	YHCA is concerned about the potential effect of the proposed project on the health and survival of the 1,418 acre Yuma East Wetlands (YEW) restoration projects due to the fact that the "spike" flows which Drop 2 seeks to capture are the very flows that the YEW depends on for success.	Demonstration of pulse (sluicing) flows on March 8 and 15, 2007 have satisfied this concern.

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81	YHCA does not oppose the Drop 2 project. YHCA requests that the needs of the YEW be factored in to any final decision. Consideration should be given to the following water augmentation measures: 1) a minimum of six one-day 2000cfs pulse flows be sent past Laguna Dam to recharge the groundwater, the YEW and the aquatic habitats on the reservation; 2) the DPOC 4E groundwater pump should run in perpetuity to provide water to flow into the YEW project; and 3) that Reclamation commits to long-term channel dredging and maintenance on the river corridor within Yuma and the Quechan Reservation area.	Normal river operation will adequately ensure available water for the YEW as demonstrated during simulated sluicing flows on March 8 and 15, 2007.
82	CAFG believes that the implementation of mitigation measures BIO-1 through BIO-16, along with habitat compensation, will adequately mitigate for environmental impacts associated with the proposed project.	Comment noted.
83	Both the Field Biological Monitor (FBM) and the biologist as mandated by BIO-1, BIO-6 and BIO-7 need to have training in FTHL monitoring. In addition, the FBM and the biologist must have a letter from CAFG in order to relocate FTHLs.	Reclamation shall appropriately inform the contractor of all CAFG requirements regarding FTHL management. Reclamation requires that the contractor shall strictly comply with them.
84	The draft EA does not address "worst case scenarios" for the potential for flooding in the event the reservoir, inlet canal and/or outlet canals are breached due to a major earthquake and/or a 100-year storm event. The final EA should provide mitigation measures that will be in place to prevent adjacent properties from being inundated by flood waters.	Worst case scenario is not a part of a NEPA analysis. Appropriate, cost-effective mitigation measures cannot be suggested for such a conjectural occurrence.
85	The draft EA does not address the potential risk of mosquito-borne viral diseases to persons in or near the project site for recreational uses. If a mosquito-abatement program is not prepared, these persons could be significantly impacted. Appropriate mosquito mitigation measures must be planned and implemented. The Final EA should indicate how persons in or near the project site for recreational use will be protected from mosquitoes that could propagate within the water storage reservoir.	The reservoir is not a recreational site and as such will be fenced. It is also expected that the reservoir will be dry the majority of the time. Surrounding the reservoir is a FTHL MA of several thousand acres, located approximately four miles from any habited area. It is not expected that people will be exposed to possible mosquito-borne illnesses.
86	The draft EA states, "...If and when Imperial County ceases to use and maintain the County Road right-of-way..." The County of Imperial maintains the road that transverses the Brock Ranch Research Center at the southerly end and does not intend to relinquish the existing "right-of-way" in the near future.	Reclamation does not intend to imply that Imperial County will at any point relinquish the right-of-way (ROW). The statement is included merely to discuss what would happen in the eventuality that the ROW was relinquished.

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87	Any right-of-way necessary for the proposed alternatives for the inlet canal selected by the Bureau of Reclamation must be obtained by contacting the Imperial County Public Works Department.	All necessary Right-of-Ways will be addressed during Project planning and/or construction.
88	The FTHL Rangewide Management Strategy and FTHL habitat will be impacted by the proposed project. The draft EA mentions only general biological mitigation measures. The final EA should clarify what specific FTHL mitigation measures will be used during construction of the proposed project.	This issue is addressed in Section 3.2.3.2.4.
89	The final EA should address future water evaporation losses in the two reservoir cells and the proposed mitigation measures to reduce evaporative losses.	This is an accounting issue that will be examined and resolved in later contractual phases of the project, and is to be addressed by Article V--Decree Accounting. .
90	The final EA should address how the "silt build-up" in the reservoir cells would be removed and what protective measures would be utilized in order not to tear or rip the "geomembrane liner" that would then create future seepage and water losses from these two reservoir cells.	Excess silt will be removed using current and emergent removal practices in line with technological feasibility. The integrity of the geomembrane liner will be a high priority at all times. Reclamation will evaluate, on an as-needed basis, silt-removal techniques for safety, effectiveness and cost.
91	The Imperial County Planning and Development Services (ICPDS) Department was neither contacted nor consulted as is listed in the draft EA. The address listed in Section 8 is incorrect and should be corrected immediately, as should the lack of contact between Reclamation and the ICPDS Department.	The correction will be noted for any future needs.
92	Although the Imperial County Department of Public Works (ICDPW) was listed as being contacted, a copy of the draft EA was not sent to the ICDPW for review.	The draft EA was provided publicly. The Final EA will be addressed as noted in your letter.
93	ICPDS is referred to as the "Planning/Building Department." All instances of this typo should be reformatted to read "Planning and Development Services Department."	The change was made as requested.
94	The draft EA reads the "Planning and Building Department" and the date for the adoption of the Circulation and Scenic Highways element is listed as "2002." These items should read "Planning and Development Services Department" and "2006" respectively.	The change was made as requested.

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95	The draft EA states that, in reference to the operations and maintenance of the facilities, burrowing animals will be removed on an "as-needed" basis following regular inspections. If the burrowing animals requiring removal include burrowing owls (<i>Athene cunicularia</i>), specific eviction procedures such as one-way doors must be used. These activities must be conducted outside of the nesting season.	The burrowing owl (<i>Athene cunicularia</i>) was not discussed in Section 3.2.1.2.1, "Common Wildlife Species: Project Site" as burrowing owls do not currently occur in the area. However, a BIO-16 has been added to Section 3.2.3.2.4 to address this issue.
96	The draft EA does not make a specific commitment as to which measures will be implemented to avoid and minimize impacts to the FTHL. As project planning proceeds, Reclamation should define the specific measures that will be incorporated to minimize the impacts to FTHLs.	This is addressed in Section 3.2.3.2.4, BIO-1 through BIO-9.
97	Fencing and water availability associated with the proposed project may pose a separate hazard to FTHLs. Reclamation should consider conducting further studies to determine the magnitude of this effect and to possibly include additional measures to mitigate for these effects.	Reclamation will work with the FTHL Interagency Coordinating Committee on the need and/or funding for this.
98	BIO-7 identifies a possible mitigation measure but does not indicate on what basis the determination as to whether the project should include barrier fencing will be made. This decision should be made prior to construction of the fencing around project facilities.	As stated in BIO-7, fencing will be implemented in accordance with Appendix 7 of the FTHL Management Strategy Plan.
99	The on-site monitor must have appropriate training. A monitor may not be required continuously once the construction area is cleared, but a monitor should be available to check the barrier fencing on a regular basis to ensure its effectiveness in keeping FTHLs out of the construction area.	As stated in BIO-6, a FBM will be available during all phases of construction. As necessary, this FBM will be available to monitor barrier fencing.
100	BIO-15 should be implemented to ensure that take of any migratory bird is avoided. This measure is NOT restricted to raptors as suggested by the wording of the measure.	The measure has been re-worded to address these concerns.
101	USFWS finds it difficult to confirm the conclusion that there will be no significant residual impacts given that the specific habitat compensation for the proposed project has not been identified. Reclamation should document the specific compensation package used to offset the impacts to the FTHL.	Reclamation has consulted with the MOG and continues to address FTHL habitat as described in Section 3.2.2.2.1. The compensation process prescribed by the Strategy ensures that there will be no significant residual effects.
102	The bald eagle (<i>Haliaeetus leucocephalus</i>) should be added to the list of species that could occur in the action area.	Section 3.2.1.4.1 has been updated to include this species.

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103	Due to the fact that owners of several parcels of land may suffer the loss of safe access to the sand dune recreational area under the proposed design, the physical location of the proposed project should include a 60 ft wide barrier zone around the privately owned lands to ensure dirt road access to the dunes east of the proposed structure.	The impact on recreational use/ORV users has been adequately addressed in Section 3.12.
104	For safety reasons, Reclamation should erect a fence to prevent inadvertent or accidental access to the project canal.	As referenced in Section 2.1.1.2, the inlet and outlet canals will be completely fenced.
105	It appears that the proposed project will not have a significant impact on Quechan tribal interests, but the Tribe requests to be kept informed of the status of the project.	Comment noted. Reclamation will continue to keep the Tribe informed of the status of the project.
106	The Tribe requests that Reclamation ensure that the project is operated in a manner consistent with the Tribe's water rights and Reclamation's trust obligations to the Tribe.	Reclamation acknowledges the senior priority of the Federal reserved water right for the Fort Yuma Indian Reservation. Reclamation acknowledges that the Tribes' decreed Colorado River water rights are Indian Trust Assets, and the United States, as trustee of those Tribal water rights, is committed to protecting those rights.
107	The Tribe is concerned that the draft EA does not take into account the existing Cultural Resources Treatment Plan for the proposed project, which was completed in June 2006. Specifically, the Treatment Plan selected data recovery and curation as the preferred mitigation measure for two pre-historic scatters that are located in the project area. This is not recognized or considered in the draft EA. The final EA should be consistent with the existing Treatment Plan.	Disposition and handling of the two known sites have been resolved so that there is no longer an adverse effect on those resources.
108	The Tribe recommends that Reclamation retain a qualified archaeologist to monitor the project as construction proceeds. A qualified monitor should be on-site at all times to ensure that no cultural resources are adversely impacted during construction.	A qualified archaeologist and tribal monitor have been incorporated into the EA and will be included in the cultural monitoring plan.
109	Cultural resource protection for this proposed project should not be limited to the unreasonably strict requirements of that National Historic Preservation Act (NHPA). The Tribe's recognition of cultural resources is far broader in scope than the approach taken by Reclamation or the NHPA. Broader protection is consistent with Reclamation's trust obligation to the Tribe.	Reclamation shall meet all requirements for cultural resource protection as defined by applicable law through government-to-government consultation and coordination. Reclamation adheres to the requirements of NHPA as it is the primary and overriding law pertaining to Cultural Preservation and represents the limits of legal responsibility.

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110	Upon further review of the draft EA, the Tribe believes that the proposed project will have a significant adverse affect on the Colorado River environment below Laguna Dam, particularly on riparian areas within and adjacent to the Fort Yuma Indian Reservation (FYIR). Reclamation must analyze how the proposed project will affect the YEW either in a supplemental EA or a full EIS.	The proposed project will not affect areas below Laguna Dam as water will still flow beyond this point. In addition, the ability to pulse sluicing flows through the Laguna Dam may positively increase the flow in this area.
111	The geographic scope of analysis in the draft EA is inadequate because it fails to consider impacts that will occur along the river corridor between Imperial Dam, Laguna Dam and Morelos Dam, including the riparian areas within and adjacent to the FYIR. Reclamation must analyze all impacts of the proposed project will have on the affected river corridor, including the area upstream of Morelos Dam and the YEW either in a supplemental EA or a full EIS.	The proposed project will not affect areas below Laguna Dam as water will still flow beyond this point. In addition, the ability to pulse sluicing flows through the Laguna Dam may positively increase the flow in this area.
112	Reclamation should consider whether alternate reservoir locations would limit impacts to the YEW. If these alternate locations are not feasible, Reclamation must evaluate ways to eliminate impacts on the YEW project. As a minimum mitigation measure, Reclamation should pulse flows of no less than 2000cfs past Laguna Dam at least eight days per year.	Reclamation has considered alternate reservoir locations (see Table 2-3 and subsequent discussion) and found them not to be feasible. The ability to pulse sluicing flows through Laguna Dam will not be affected by the proposed project.
113	Reclamation should ensure that the DPOC 4E groundwater pump runs in perpetuity to provide water to flow into the YEW, and that MODE water is made available to the YEW if necessary.	Reclamation shall pump water as necessary to achieve appropriate groundwater levels in the Gila Valley.
114	Reclamation failed to analyze impacts that the proposed project will have on the FYIR. The FYIR will be affected in four main ways: 1) diminishment of NSFs could drop the water table on and near the reservation; 2) reduced flows may significantly reduce the size of wetland areas that riparian vegetation depends upon, which will adversely affect species the Tribe values for cultural and traditional uses; 3) alteration of the flow regime could promote further invasion of exotic species into the river corridor; and 4) diminishment of NSFs could affect recreational benefits the river corridor offers the Tribal community. These impacts may be significant and must be avoided and/or mitigated.	1) Reclamation does not expect the proposed project to affect the water table above Morelos Dam. 2) Our modeling has not indicated any impacts. Flows will still be delivered to Mexico and to wetlands. As such, riparian vegetation will not be significantly affected. 3) Other factors not in the control of Reclamation play a substantial part in the introduction of exotic species in the river corridor. Reclamation cannot assume all responsibility for this matter. 4) The ability to pulse sluicing flows through Laguna Dam as necessary has been seen to positively increase river flows in this area.

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115	Reclamation indicates the importance of non-storable pulse flows in the draft EA. Though Reclamation contends that the absence of these flows will not impact the area significantly, the analysis is limited to the geographic area downstream of Morelos. If the proposed project is implemented, YEW will be deprived of these critical flows and restored wetlands habitat could return to their previously degraded condition.	The YEW will be deprived of no critical flows. To the contrary, the ability to pulse sluicing flows through Laguna Dam as necessary has been seen to positively increase river flows in this area.
116	Reclamation must analyze how the diminished flow regime will adversely affect channel capacity in the river corridor.	The channel capacity of the river corridor will not be affected. To the contrary, the ability to pulse sluicing flows through Laguna Dam as necessary has been seen to positively increase river flows in this area.
117	The Tribe restates its objection to any action by Reclamation that could adversely impair Tribal water rights. The Tribe seeks a more complete analysis from Reclamation on whether the proposed project will have any impact on the Tribe's exercise of its water rights.	Reclamation acknowledges the senior priority of the Federal reserved water right for the Fort Yuma Indian Reservation. Reclamation acknowledges that the Tribes' decreed Colorado River water rights are Indian Trust Assets, and the United States, as trustee of those Tribal water rights, is committed to protecting those rights.
118	The Limitrophe is a Cooperative Management Area based on public interest for protecting wildlife and habitat values in the area. The reduction of flows resulting from the proposed project could alter existing high quality habitat. Future restoration efforts could also be hampered due to possible reduction of water below Morelos Dam.	Reclamation has agreed to mitigate for 11 acres, and is in on-going negotiations with USFWS concerning the location of the mitigation. The location will depend on where Reclamation and USFWS agree that there is the best chance for a successful mitigation/restoration effort.
119	The draft EA states that the Lower Colorado River Multi-Species Conservation Plan (LCR MSCP) covers the biological impacts which may result from the proposed project. BLM does not agree that this proposed project is an administrative action and therefore is not covered under the LCR MSCP. The biological impacts need to be analyzed separately to understand their true significance. Discussion of an appropriate level of mitigation should be included. These mitigation measures should include finding alternate sources of water for habitat projects that will be needed in the future to maintain habitat for various species. The Final EA should identify sources of water that can be used for future restoration efforts.	Reclamation has clarified the text to reflect that the area of impact under discussion in this section refers to the lower Colorado River between Hoover and Imperial Dams. Impacts of flow reduction resulting from the Drop 2 Reservoir are covered by the LCR MSCP. The 1.574maf reduction includes water transfers and water conservation efforts such as the proposed project. Discussion of impacts to the Limitrophe Division is included in the sections following Section 3.1.2.3.2. Reclamation does not imply that any possible impacts to the Limitrophe Division are covered by the LCR MSCP.